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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LISA RATZLAFF,

Plaintiff,

v.

UNITED STATES, and DOES 1 through  
100, inclusive,

Defendants.

Case No.: 2:21-cv-01631-JAM-KJN

**PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

Jury Trial Demanded

**I. INTRODUCTION**

Plaintiff, LISA RATZLAFF (hereinafter "PLAINTIFF") hereby complains against Defendants UNITED STATES and DOES 1 through 100, inclusive, (collectively "DEFENDANTS"), and allege as follows:

**II. PARTIES**

1. PLAINTIFF is now, and at all times herein mentioned was, a citizen of and resident within the County of Placer, State of California.

2. DEFENDANT United States, substituting in for entity United States Postal Service and individual government employee Kayla Joy Dryden, who at all relevant times are, or were at the time of the collision, residing within, or doing business within, the County of Placer, State of California. The incident that is the subject of this litigation occurred in the County of

1 Placer, State of California.

2 3. The true names and capacities—whether individual, corporate, associate or  
3 otherwise—of Defendants DOES 1 through 100, are unknown to PLAINTIFF, who therefore sues  
4 such DOES by such fictitious names. PLAINTIFF will amend this Complaint to show their true  
5 names and capacities when the same have been ascertained. Each of the Defendants are legally  
6 responsible in some manner—negligently, in warranty, strictly, or otherwise—for the incident  
7 that is the subject of this Complaint.

8 **III. JURISDICTION/VENUE**

9 4. Pursuant to 28 U.S.C. § 1346(b), the district courts shall have exclusive  
10 jurisdiction of civil actions on claims against the United States for money damages for personal  
11 injury caused by negligent or wrongful conduct of an employee of the Government while acting  
12 within the scope of their office or employment.

13 5. The above-captioned matter is being brought against Defendant United States  
14 for money damages for PLAINTIFF’S personal injury caused by the negligence of Defendant  
15 United States’ employee, Kayla Joy Dryden, while she was acting within he scope of  
16 employment driving a government vehicle at the time of the subject collision.

17 6. Pursuant to 28 U.S.C. § 1402(b), any civil action on a tort claim against the  
18 United States under subsection (b) of section 1346 may be prosecuted only in the judicial  
19 district where the plaintiff resides or wherein the act or omission complained of occurred.

20 7. The Eastern District is the proper venue as this is the district court that  
21 PLANTIFF both resides in and where the subject collision occurred.

22 **IV. FACTUAL ALLEGATIONS**

23 8. PLAINTIFF caused a written Claim for Personal Injuries to be served on UNITED  
24 STATES POSTAL SERVICE on October 1, 2018, said Claim was rejected on November 12,  
25 2020.

26 9. UNITED STATES POSTAL SERVICE, KAYLA JOY DRYDEN, and DOES 1  
27 through 100, were the agents, employees or contractors of DEFENDANT United States and  
28 DOES 1 through 100 and were at all times acting within the course and scope of said agency,

1 employment or contract, and with the permission, knowledge and consent of each remaining  
2 Defendants.

3 10. DEFENDANT United States, on behalf of UNITED STATES POSTAL  
4 SERVICE, KAYLA JOY DRYDEN and DOES 1 through 100, is liable to PLAINTIFF for the  
5 negligence of UNITED STATES POSTAL SERVICE, KAYLA JOY DRYDEN, and DOES 1  
6 through 100, as they were within the course and scope of the latter's employment and/or agency  
7 during the negligent conduct or omission by virtue of 28 U.S.C. § 2674.

8 **V. FIRST CAUSE OF ACTION**

9 **(28 U.S.C. § 2674)**

10 11. Paragraphs 1 through 11 of this First Amended Complaint are incorporated into  
11 this cause of action as though fully set forth herein.

12 12. Title 28 of the United States Code § 2674 states that the United States shall be  
13 liable, respecting the provisions of this title relating to tort claims, in the same manner and to the  
14 same extent as a private individual under like circumstances, but shall not be liable for interest  
15 prior to judgment or for punitive damages.

16 13. On or about May 23, 2018, PLAINTIFF was in a vehicle collision caused by  
17 DEFENDANT's agents, employees, or contractors, UNITED STATES POSTAL SERVICE and  
18 KAYLA JOY DRYDEN, on Lincoln Boulevard near its intersection with Ferrari Ranch Road in  
19 Placer, California.

20 14. Pursuant to 28 U.S.C. § 2671, "employee of the government" includes officers or  
21 employees of any federal agency. DEFENDANT's agent, employee, or contractor, KAYLA JOY  
22 DRYDEN, was operating a United States Postal Service vehicle with the permission, consent,  
23 and knowledge of DEFENDANT and UNITED STATES POSTAL SERVICE.

24 15. At all relevant times, KAYLA JOY DRYDEN was operating said vehicle within  
25 the course and scope of her employment of UNITED STATES POSTAL SERVICE and  
26 DEFENDANT, who are vicariously liable for KAYLA JOY DRYDEN's negligence.

27 16. The collision was caused by the recklessness, carelessness, and negligence of the  
28 DEFENDANT and its agents, employees, or contractors, for that among other acts and omissions,

1 the DEFENDANT and its agents, employees, or contractors: (1) failed to stop in violation of the  
2 law; (2) failed to observe due care and precaution and to maintain proper and adequate control of  
3 the motor vehicles; (3) failed to exercise reasonable care in the operation of the motor vehicle  
4 under the circumstances there existing; (4) as to KAYLA JOY DRYDEN, failed to stop for a red  
5 traffic signal; (6) in other respects not now known to PLAINTIFF, but which may become known  
6 prior to the time of the trial.

7 17. As a result of the negligence of DEFENDANT and its agents, employees, or  
8 contractors, PLAINTIFF suffered personal/bodily injuries, resulting in economic and non-  
9 economic damages. Economic damages include, but are not limited to, (1) past and future medical  
10 and/or ancillary related expenses, (2) past and future income and/or earning capacity loss, (3) loss  
11 of ability to provide household services, and (4) incidental and consequential damages and/or  
12 property damage and loss of use. Non-economic damages include, but are not limited to, (1) past  
13 and future physical and mental suffering, (2) loss of enjoyment of life, (3) physical impairment,  
14 (4) inconvenience, (5) anxiety, and (6) emotional distress.

15 18. All of PLAINTIFF's losses were and are attributed to the carelessness and  
16 negligence of DEFENDANT and its agents, employees, or contractors, without any negligence  
17 or want of due care on the PLAINTIFF's part contributing thereto.

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**VI. PRAYER FOR RELIEF**

WHEREFORE, PLAINTIFF prays for judgment against DEFENDANT for:

- a. Non-economic damages in excess of the jurisdictional limit of this Court;
- b. All medical and incidental expenses according to proof;
- c. All loss of earnings according to proof;
- d. Prejudgment interest to the extent permitted by law;
- e. All costs of suit; and
- f. Such other and further relief as this Court may deem just and proper.

Dated: January 11, 2023

**DEL RIO & CARAWAY, P.C.**



CHARLES D. CARAWAY, Esq.  
Attorney for Plaintiff